

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Practice and Procedure  
Rulemaking**

**Case No. AD-17-49**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY  
CUSTOMER NOTICE – APPEARANCES - PROPOSED RULES PROCESS**

**March 15, 2017**

My name is Illona Jeffcoat-Sacco. I am General Counsel with the Public Service Commission. The proposed rules affect the following four topics: 1) individual customer notice in cases related to utility rates (bill stuffers); 2) appearances at formal hearings; 3) filing proposed rules with the Legislative Council and the post-hearing comment period for proposed procedural rules; and 4) protection of certain information filed by telecommunications companies. This testimony discusses the first three, and the fourth is being discussed by Pat Fahn, Public Utilities Director.

**1. Rate Case Bill Stuffers - N.D. Admin Code section 69-02-04-01**

**2. Appearances at Formal Hearings - N.D. Admin Code section 69-02-04-02**

The existing bill stuffer rule lists several cases in which the applicant utility must provide individual notice of the application to customers. The proposed change adds one additional type of case, an advanced determination of prudence case to this list. Advanced determination of prudence cases have ratemaking consequences and therefore should require individual customer notice. Current practice is to require and provide individual customer notices in these types of cases due to the ratemaking consequences, so the rule change should have no impact on industry, customers, the public, or other stakeholders.

The existing rule on appearances requires that staff analysts who work on the case be noted in the appearances. At hearings, counsel introduces the staff working on the case, but the rule requiring these staff members be listed in the appearances has been inconsistently followed and serves no discernable purpose. In addition, it could imply that staff analysts are engaging in the unauthorized practice of law. Repealing the language would have no impact on any stakeholder. The two proposed changes just discussed were previously proposed and adopted by the Commission in Case No. AD-14-762, but due to an inadvertent error, were never approved by the Attorney General and were never filed with the Legislative Council.

**(3) Filing proposed rules with Legislative Council and post-hearing comment period for proposed procedural rules - N.D. Admin. Code section 69-02-07-02 (3) and (4)**

This change is proposed to eliminate an outdated requirement to file proposed rules and rules notices with the Legislative Council at least thirty days before the hearing. Current law requires filing with the legislative Council, but does not impose a time requirement on this filing.

The other change is to reduce the post-hearing comment period from thirty days to ten days.

Both changes would result in making the Commission's rulemaking procedure consistent with the procedure specified in North Dakota Century Code Chapter 28-32. Neither change should have any impact on any stakeholder.

This completes my comments.